

E-filed on: December 10, 2010  
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*Attorneys for Dr. Gary M. Kantor, Ms. Lynn Kantor, and Kantor Nephrology Consultants, Ltd.  
401(k) PSP*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:  
USA COMMERCIAL MORTGAGE COMPANY,  
Debtor.

BK-S-06-10725-LBR  
Chapter 11

In re:  
USA CAPITAL REALTY ADVISORS, LLC,  
Debtor.

BK-S-06-10726-LBR  
Chapter 11

In re:  
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,  
Debtor.

BK-S-06-10727-LBR  
Chapter 11

In re:  
USA CAPITAL FIRST TRUST DEED FUND, LLC,  
Debtor.

BK-S-06-10728-LBR  
Chapter 11

In re:  
USA SECURITIES, LLC,  
Debtor.

BK-S-06-10729-LBR  
Chapter 11

**Affects**

- ☒ All Debtors  
☐ USA Commercial Mortgage Co.  
☐ USA Securities, LLC  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed  
☐ USA First Trust Deed Fund, LLC

**DECLARATION OF  
MICHAEL M.  
SCHMAHL IN  
SUPPORT OF EX  
PARTE MOTION TO BE  
REMOVED FROM  
CM/ECF SERVICE LIST  
AND EX PARTE  
MOTION FOR LEAVE  
TO WITHDRAW AS  
COUNSEL FOR DR.  
GARY KANTOR, MS.  
LYNN KANTOR, AND  
KANTOR  
NEPHROLOGY  
CONSULTANTS, LTD.  
401(K) PSP**

1 STATE OF ILLINOIS                     )  
2 COUNTY OF COOK                    ) ss

3 I, Michael M. Schmahl, Esq., state under oath and under penalty of perjury that to the  
4 best of my knowledge, information and belief:

5 1. I am an attorney licensed to practice law in the States of Illinois and Wisconsin,  
6 and admitted *pro hac vice* to practice in the above-captioned bankruptcy cases.

7 2. I am an attorney at McGuireWoods LLP

8 3. I have personal knowledge of the facts set forth herein.

9 4. I make this Declaration in support of counsel's *Ex Parte* Motion To Be Removed  
10 from the CM/ECF Service List and *Ex Parte* Motion for Leave to Withdraw as Attorneys for Dr.  
11 Gary Kantor, Ms. Lynn Kantor, and Kantor Nephrology Consultants, Ltd. 401(k) PSP.

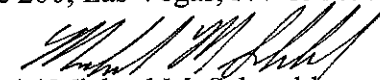
12 5. On April 13, 2006, the above-captioned Debtors filed voluntary petitions for relief  
13 under Chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code").

14 6. On May 15, 2006, the undersigned counsel was admitted to practice *pro hac vice*  
15 before this Court in these cases and entered an appearance on behalf of the Kantor Parties.

16 7. The Kantor Parties filed numerous proofs of claim and proofs of interest in these  
17 cases. Many of the Kantor Parties' proofs of claim have been disallowed pursuant to various  
18 stipulations. The Kantor Parties remaining proofs of claim have never been objected to.

19 8. Currently, there are no pending objections or other active proceedings before the  
20 Court.

21 9. The last known addresses for Dr. Gary Kantor and Ms. Lynn Kantor is 2816 Vista  
22 Del Sol, Las Vegas, NV 89120. The last known address for the Kantor Nephrology Consultants,  
23 Ltd. 401(k) PSP is 1750 East Desert Inn Road, Suite 200, Las Vegas, NV 89109.

24   
25 /s/ Michael M. Schmahl  
26 MICHAEL M. SCHMAHL, ESQ.  
27  
28

**CERTIFICATE OF SERVICE**

I hereby certify that I am an attorney, and that on the 10<sup>th</sup> day of December, 2010, I caused to be served a true and correct copy of DECLARATION OF MICHAEL M. SCHMAHL IN SUPPORT OF *EX PARTE* MOTION TO BE REMOVED FROM THE CM/ECF SERVICE LIST AND *EX PARTE* MOTION FOR LEAVE TO WITHDRAW AS ATTORNEYS FOR GARY KANTOR, LYNN KANTOR, AND KANTOR NEPHROLOGY CONSULTANTS, LTD. 401(k) PSP WITH CERTIFICATE OF SERVICE in the following manner:

☒ (ELECTRONIC SERVICE) Under Administrative Order 02-1 (Rev. 8-31-04) of the United States Bankruptcy Court for the District of Nevada, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by that Court's facilities.

☒ (UNITED STATES MAIL) By depositing a copy of the above-referenced document for mailing in the United States Mail, first class postage prepaid to the parties listed on the attached service list, at their last known mailing addresses, on the date above written.

Dr. Gary Kantor and Ms. Lynn Kantor  
2816 Vista Del Sol  
Las Vegas, NV 89120

Kantor Nephrology Consultants, Ltd. 401(k) PSP  
1750 East Desert Inn Road, Suite 200  
Las Vegas, NV 89109

☒ (OVERNIGHT COURIER) By depositing a true and correct copy of the above-referenced document for overnight delivery via Federal Express, at a collection facility maintained for such purpose, addressed to the parties on the attached service list, at their last known delivery address, on the date above written.

☐ (FACSIMILE) That I served a true and correct copy of the above-referenced document via facsimile, to the facsimile numbers indicated, to those persons listed on the attached service list, on the date above written.

  
/s/ Michael M. Schmahl  
Michael M. Schmahl